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3 **UNITED STATES DISTRICT COURT**  
4 **EASTERN DISTRICT OF WASHINGTON**

5 MARLIN DAUGHRITY,

6 Plaintiff,

7 vs.

8 COMMISSIONER OF SOCIAL

9 SECURITY,

10 Defendant.

No. 2:16-CV-00105-FVS

ORDER ADOPTING REPORT AND  
RECOMMENDATION TO GRANT  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND  
DENY DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

ECF Nos. 15, 16, 20

11 **BEFORE THE COURT** is the Report and Recommendation issued by  
12 Magistrate Judge Mary K. Dimke on July 18, 2017, ECF No. 20, recommending  
13 Plaintiff's Motion for Summary Judgment, ECF No. 15, be granted and  
14 Defendant's Motion for Summary Judgment, ECF No. 16, be denied. No  
15 objection was filed. After review, the Court hereby adopts the Report and  
16 Recommendation in its entirety. Accordingly, **IT IS ORDERED:**

17 1. The Report and Recommendation, **ECF No. 20**, is **ADOPTED** in its  
18 entirety.  
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20 ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANT  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ~ 1

1           2.     Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is  
2 **GRANTED.**

3           3.     Defendant's Motion for Summary Judgment, **ECF No. 16**, is  
4 **DENIED.**

5           4.     An application for attorney fees may be filed by separate motion.

6           The District Court Executive is directed to file this Order and forward copies  
7 to the parties. Judgment shall be entered for Plaintiff and the file shall be **CLOSED.**

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9           DATED August 2, 2017.

10                               s/Fred Van Sickle  
11                               Fred Van Sickle  
                              Senior United States District Judge